



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice  
Joint Committee on Appropriations  
February 22, 2012  
Agency Budget Presentation**

Thank you for the opportunity to discuss the impact of the Governor's proposed budget for the Division of Criminal Justice for Fiscal Year 2012.

As you know, the Division was not subject to specific legislation concerning consolidation with another agency; however, the continued erosion of resources has resulted in a self-imposed consolidation. This began in 2009 when units in my office, the Chief State's Attorney's Office, were reorganized, partly in recognition of the state's fiscal situation, and also to provide for greater efficiency and flexibility in the deployment of personnel. That reorganization resulted in the establishment of the Violent Crimes Bureau, whose role is to investigate organized crime, gang activity, domestic violence and narcotics crime; and the Financial Crimes Bureau, which is dedicated to the investigation and prosecution of financial crimes such as public corruption and white collar crime. Like all other units in my office, these units focus on crimes which have a statewide impact or crimes which cannot or should not be handled by judicial district offices.

During this past fiscal year, when the personnel resources of the Division shrunk even further, with a 9% reduction in authorized position count from 539 to 494, and with limited authority to fill vacant positions, we made further efforts to consolidate.

The Division-wide effect of reduced personnel resources translates to fewer employees in every job class. Specifically, from fiscal year 2009 through January of this year, the number of filled positions in the following classes has declined:

- Employees exempt from collective bargaining (primarily critical administrative support and IT functions assigned to the Chief's Office) - 5 fewer positions, a 17 percent reduction;
- Inspectors - 15 fewer positions, a 18.75 percent reduction;
- Clerical/Investigators - 20 fewer positions, a 14.39 percent reduction. Some offices, most notably Juvenile Matters locations impacted by "Raise the Age" legislation, have no clerical support whatsoever; others have only temporary clericals;
- Prosecutors - 18 fewer positions, a 6.69 percent reduction.

The reductions in personnel already experienced, and the proposed loss of an additional 20 positions and \$2.75 million in personal services funding proposed in the Governor's budget for Fiscal Year 13, have the following impact on programs and services:

- In FY2011 the Geographical Area (GA) courts added 252,391 new criminal, motor vehicle and infraction cases broken down as follows: 1) 95,466 new criminal cases; 2) 72,581 new motor vehicle cases; and 3) 83,344 new infraction cases. Due to the reduction in the number of prosecutors in the GA courts that the Division has experienced, and the still staggering number of cases we add to a very large pending caseload, the Division is concerned with its ability to properly handle these cases as we move forward.

In particular the Division's concerns include the impact on its ability to screen out questionable cases or to promptly review arrest warrant applications and to play a more active role with police during the pre-arrest investigatory stage of a case. In addition, our lack of staff hinders our ability to properly evaluate critical decisions. On any given day in one of our GA courts prosecutors are faced with the difficult task of making what can amount to life or death decisions in, for example, a domestic violence case, when they have only approximately five or six minutes to evaluate the case given the volume of that day's caseload.

- In the Part A, or serious felony courts, our analysis shows that serious felony caseloads have remained relatively constant with only a 2.4% drop in criminal cases added over the last fiscal year. Unfortunately, the level of violent crimes remains consistent.
- During FY2011 the Division tried 178 Part A and 114 Part B cases to verdict. On behalf of the State, the Division handles 100% of the criminal trials each year. Prosecutors handle numerous evidentiary hearings as well as review thousands of applications for arrest and search warrants. Each one of these matters requires, at the very least, that the prosecutor meet with numerous police officers and detectives, victims, members of the victims' families, witnesses, forensic scientists as well as a multitude of expert witnesses. Prosecutors must also review each file in order to comply with constitutional disclosure requirements while making critical decisions concerning the safety of witnesses at risk. Handling all of these responsibilities requires resources in the form of personnel.
- At this time last year we had 22 Inspectors in the Office of the Chief State's Attorney. Today, after reassigning Inspectors to field locations to cover for the loss of staff, we have only 13 Inspectors assigned to Rocky Hill operations - and seven of these must be dedicated to special functions because of their funding source or legislative mandate (Workers' Compensation Fraud Control, Medicaid Fraud Control, federal Innocence grant, and protection of witnesses - C.G.S. §54-82s et seq.), leaving only six Inspectors to handle the work of the Financial Crimes and

Violent Crimes Bureaus. As a result, some white collar and public corruption crimes, including those where the elderly are victims, will not be addressed.

- The Senior Assistant State's Attorney assigned to the Violent Crimes Bureau for domestic violence matters (training and statewide support) is reassigned to the State's Attorney's office at Bridgeport. The Inspector who handled domestic violence training and support statewide is reassigned to the Hartford Shooting Task Force. The effect of these changes will reduce the Division's ability to insure a consistent approach to investigation and prosecution of domestic violence crimes across judicial districts through training and one-on-one mentoring.
- The Supervisory Inspector for the Cold Case Unit is now assigned to the shooting task force in New Haven. **As a result, at this time the Cold Case Unit cannot accept any new cases for investigations.** The Division estimates that at the present time there are at least 900 homicide cases that are unsolved but which remain within the time frame when investigation could be successful.
- The Senior Assistant State's Attorney responsible for collection of forfeited bail bonds is assigned to Waterbury Superior Court three days each week. On half of one of the two days she is assigned to Rocky Hill, she is at the Centralized Infractions Bureau screening infractions cases.
- The Financial Crimes Bureau has been forced to suspend efforts to duplicate the successful cold case investigative model for the investigation of financial crimes through collaborative investigations involving Inspectors and prosecutors from the Division and municipal police. In fact, the Division at the present time is unable to take on some financial crime investigations at all, either on its own or in collaboration with municipal departments.
- The Division would be hard-pressed at this time to undertake a major investigation such as that several years ago which involved an investigatory grand jury that resulted in arrests for municipal corruption in a major city.
- The Division has had to redeploy significant staff to respond to immediate and serious public safety concerns, i.e., the re-establishment in July 2011 of the Hartford Shooting Task Force and the recent establishment of a shooting task force in New Haven. Other requests for similar assistance cannot be accommodated at this time due to lack of personnel.

In addition to these strains in the Division's personal services budget, there are also concerns with the adequacy of the operating budget. It must be noted that the FY12-13 biennial budget adopted an unrealistic appropriation for operating expenses, many of which are fixed costs. The \$2.1 million annual Other Expense (OE) appropriation for Fiscal Years 12 and 13 is significantly less than the \$2.48 million actual average annual operating expenditures for the past seventeen years. This creates a built in operating budget shortfall which cannot be mitigated by surplus resources in any other General Fund account. Despite our best efforts to control costs, last fiscal year the Division spent \$2.39 million to manage its operations in the 50

plus office locations statewide; and we have advised OPM that we anticipate expenses in the current fiscal year to reach \$2.44 million. Most of these expenses are not discretionary, and are subject to inflationary factors that the Division cannot control. Among the most costly expenses, and critical to our mission, are items such as witness compensation and extraditions which are impacted partly by the cost of travel and fuel for our contract mandated vehicles for law enforcement personnel.

In addition, fixed costs such as utilities, real estate and property leases, automated legal research, property management services, data services, etc. must be paid. Our offices throughout the state must have standard office supplies - a large operating expense which, until we see a full conversion to electronic document management in the criminal justice system, will continue to drain a large portion of our operating budget. And, even when electronic document and case management are fully implemented, there will be expensive annual IT hardware and software maintenance costs which must be addressed. As an example - we have been fortunate in obtaining \$3 million in federal grants to implement an IT infrastructure upgrade to the Division's antiquated IT systems. We are in the throes of that upgrade right now. But what we have to realize is that once the new infrastructure is fully in place, the state will have to bear the annual costs of operating this system -- and we will seek the support of the administration and this body to do so.

In conclusion, the Division asks the Committee to look to our Cold Case Units and the Hartford Shooting Task Force as examples of successful programs that provide tremendous public benefit with relatively little investment. Only one Supervisory Inspector (currently redeployed to the Hartford Shooting Task Force) is normally assigned to the Cold Case Units, yet this investment has brought personnel from other state agencies and municipal police departments to work in collaboration to solve crimes that at one time were considered unsolvable.

The results of the collaboration represented by the Hartford Shooting Task Force are equally, if not even more impressive. From its re-establishment in July 2011 through the week ending February 11, 2012, the Hartford Shooting Task Force seized 59 firearms, made 98 felony arrests and served 91 warrants. At the beginning of July 2011, shootings in Hartford were up nearly 14 percent compared with the same time frame in the previous year. With the re-establishment of the Task Force, the year ended with nearly a 22 percent reduction in shootings. Arrests for Murder and Criminal Attempt to Commit Murder are up more than 107 percent, from 28 to 58. The task force initially focused its attention on thoroughly investigating and solving non-fatal shooting cases that previously would have received little if any investigative effort beyond the initial police response. This is similar to the intensive follow-up and re-examination model utilized in successful cold case investigations. The success of the Hartford Shooting Task Force would indicate that we must place as much focus on the clearance rate for crime, i.e. the percentage of crimes that are solved and where arrests and convictions occur,

rather than simply heralding the decline in the overall crime rate as success in and of itself. Making Connecticut's cities safe places in which to live, work and go to school is essential.

In conclusion, the Division again expresses its appreciation to the Committee for this opportunity to present information regarding our programs and operations. We stand ready to provide any additional information or to answer any questions the Committee might have.